

### **REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-7, 9, 11-16, and 18-41 are pending in this application. Claims 8, 10, and 17 have been cancelled. By this Amendment, claims 1-4, 6-7, 9, 14-16, 18-19, 24-25, 27-29, 33-34, 36-38 are amended. No new matter has been added. Claims 1, 2, 3, and 9 are independent claims.

### **Priority Documents**

Applicants note and appreciate the acknowledgement and receipt of the certified priority documents by the Examiner in this application.

### **Drawings**

The Examiner has objected to the drawings (Figures 1A-3) filed on January 23, 2004. Applicants submits replacement sheets for Figures 1A-3 designating with the legend "Prior Art".

### **Double Patenting**

Claims 1, 3, 9, 19, 20, 21, 22, 4, 5, 6, 7, 29, 37, 12, 13, and 40 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9, 17, 2, 4, 5, 6, 10, 11, 12, 13, 14, 16, 18, 19, and 21, respectively of copending Application No. 11/898,040 in view of Nagasawa USPN 5,848,050.

Applicants have submitted a terminal disclaimer with this response and therefore request withdrawal of this rejection.

**Rejections under 35 U.S.C. §102(b)**

Claims 1-9, 11-18, 20-23, 25-27, and 29-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasawa et al. (hereinafter Nagasawa US Pat. No. 5,848,050). Applicants respectfully traverse this rejection.

Applicants have amended the independent claims to recite, *inter alia*, “control information is encoded along with wobble shapes of the wobbled pits, data bit ‘0’ and ‘1’ comprising the control information are represented by a transition within a predetermined period of the wobble shapes and each data bit is distinguished from each other by the transition direction within the predetermined period.” Applicants respectfully submit that Nagasawa does not disclose this claimed feature. Therefore, Applicants submit that independent claims 1-3 and 9 are allowable, as are dependent claims 4-7, 11-16, 18, 20-23, 25-27, and 28-41.

**Rejections under 35 U.S.C. §103(a)**

Claims 19, 24 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nagasawa in view of Kim et al. (hereinafter Kim US Pat. No. 7,266,074). Applicants respectfully traverse this rejection.

Applicants submit that dependent claims 19, 24, and 28 are allowable, at least for depending on allowable base claims. Further, Applicants submit that Kim does not cure the deficiencies of Nagasawa. Therefore, dependent claims 19, 24, and 28 are allowable.

**CONCLUSION**

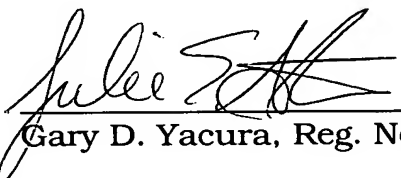
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-7, 9, 11-16, and 18-41 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By  43,158  
Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/JES:mvj